IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS BENTON DIVISION

STATE RIFLE ASSOCIATION,)
Plaintiffs,) No. 3:11-cv-00405-WDS-PMF
v.)) Honorable Judge William D. Stieh
LISA M. MADIGAN, solely in her official capacity as ATTORNEY GENERAL OF ILLINOIS, GOVERNOR PATRICK J. QUINN, solely in his official capacity as Governor of the State of Illinois, TYLER R.) Magistrate Judge Philip M. Frazier))))
EDMONDS, solely in his official capacity as the State's Attorney of Union County, Illinois, and SHERIFF DAVID LIVESAY, solely in his official capacity as Sheriff of)))
Union County,))
Defendants.)

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

NOW COME the Plaintiffs, MARY E. SHEPARD and the ILLINOIS STATE RIFLE ASSOCIATION ("ISRA"), by and through their attorney, William N. Howard of Freeborn & Peters LLP, and pursuant to Rule 56 of the Federal Rules of Civil Procedure move this Court for summary judgment on their claim that Illinois's ban on carrying firearms in public violates the Second and Fourteenth Amendments, both on its face and as applied. In support of their motion, Plaintiffs state as follows:

1. The Second Amendment to the United States Constitution guarantees the right of law-abiding citizens to carry arms for self-defense and other lawful purposes. *See United States* v. *Heller*, 554 U.S. 570 (2008). This right is "fully applicable to the States" through the Four-

teenth Amendment. McDonald v. City of Chicago, 130 S. Ct. 3020, 3026 (2010); see also id. at

3058 (Thomas, J., concurring in part and concurring in the judgment).

2. "[B]roadly prohibitory laws restricting the core Second Amendment right ... are

categorically unconstitutional." Ezell v. City of Chicago, No. 10-3525, 2011 WL 2623511, at

*13 (7th Cir. July 6, 2011).

3. The State of Illinois broadly prohibits carrying operable firearms in public. See

720 ILCS 5/24-1(a)(4), (a)(10), & 5/24-1.6(a)(1)-(3)(A)&(B). This ban infringes the right of

law-abiding individuals to carry firearms for self-defense.

4. Apart from Illinois's ban, Ms. Shepard and members of ISRA who are otherwise

qualified to posses firearms under Illinois law would carry firearms in public for self defense.

5. "The court shall grant summary judgment if the movant shows that there is no

genuine dispute as to any material fact and the movant is entitled to judgment as a matter of

law." FED. R. CIV. P. 56(a). For the reasons stated above and in the accompanying memoran-

dum of law, summary judgment is appropriate here.

WHEREFORE, Plaintiffs respectfully request that the Court grant their motion for sum-

mary judgment.

Respectfully Submitted,

MARY E. SHEPARD and THE ILLINOIS STATE RIFLE ASSOCIATION,

Plaintiffs

By: s/ William N. Howard

One of their attorneys

2

William N. Howard FREEBORN & PETERS LLP 311 S. Wacker Dr., Suite 3000 Chicago, Illinois 60606 Tel: (312) 360-6415 Fax: (312) 360-6996

Email: whoward@freebornpeters.com

CERTIFICATE OF SERVICE

The undersigned attorney states that he caused a true and correct copy of **Plaintiffs' Motion for Summary Judgment**, to be served upon the parties of record, as shown below, via the Court's CM/ECF system on the **8th** day of **August**, **2011**.

By:	s/ William	N. Howard	
IJΥ.	5/ W 1111a111	IN. HOWAIU	

SERVICE LIST

Terence J. Corrigan
Karen L. McNaught
Illinois Attorney General's Office
500 S. Second St.
Springfield, IL 62706
Fax: (217) 524-5091
tcorrigan@atg.state.il.us
Counsel for Lisa Madigan, Pat Quinn
and Tyler Edmonds

Joseph A. Bleyer Bleyer & Bleyer 601 West Jackson P.O. Box 487 Marion, IL 62959-0487 jableyer@bleyerlaw.com Counsel for David Livesay David A. Simpson
Illinois Attorney General's Office
100 West Randolph St., 12th Floor
Chicago, IL 60601-3175
312-814-3419
dasimpson@atg.state.il.us
Counsel for Lisa Madigan, Pat Quinn
and Tyler Edmonds

Jonathan Lee Diesenhaus
Hogan Lovells LLP
555 13th Street, NW
Washington, DC 20004
jonathan.diesenhaus@hoganlovells.com
Counsel For Brady Center to Prevent
Gun Violence